

By: Representatives Weathersby, Boyd,
Steverson, Anthony

To: Universities and
Colleges

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 90

1 AN ACT TO AMEND SECTION 31-11-3, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO TRANSFER
3 UP TO ONE MILLION DOLLARS OF AVAILABLE BOND FUNDS TO COMMUNITY
4 COLLEGES REQUESTING TO BE EXEMPT FROM DEPARTMENT OVERSIGHTS OF
5 CERTAIN REPAIR, RENOVATIONS AND IMPROVEMENTS TO EXISTING
6 FACILITIES OWNED BY COMMUNITY COLLEGES; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 31-11-3, Mississippi Code of 1972, is
9 amended as follows:

10 31-11-3. (1) The Department of Finance and Administration,
11 for the purposes of carrying out the provisions of this chapter,
12 in addition to all other rights and powers granted by law, shall
13 have full power and authority to employ and compensate architects
14 or other employees necessary for the purpose of making
15 inspections, preparing plans and specifications, supervising the
16 erection of any buildings, and making any repairs or additions as
17 may be determined by the Department of Finance and Administration
18 to be necessary, pursuant to the rules and regulations of the
19 State Personnel Board. The department shall have entire control
20 and supervision of, and determine what, if any, buildings,



21 additions, repairs, demolitions or improvements are to be made
22 under the provisions of this chapter, subject to the regulations
23 adopted by the Public Procurement Review Board.

24 (2) The department shall have full power to erect buildings,
25 make repairs, additions or improvements, demolitions, to grant or
26 acquire easements or rights-of-way, and to buy materials, supplies
27 and equipment for any of the institutions or departments of the
28 state subject to the regulations adopted by the Public Procurement
29 Review Board. In addition to other powers conferred, the
30 department shall have full power and authority, as directed by the
31 Legislature, or when funds have been appropriated for its use for
32 these purposes, to:

33 (a) Build a state office building;

34 (b) Build suitable plants or buildings for the use and
35 housing of any state schools or institutions, including the
36 building of plants or buildings for new state schools or
37 institutions, as provided for by the Legislature;

38 (c) Provide state aid for the construction of school
39 buildings;

40 (d) Promote and develop the training of returned
41 veterans of the United States in all sorts of educational and
42 vocational learning to be supplied by the proper educational
43 institution of the State of Mississippi, and in so doing allocate
44 monies appropriated to it for these purposes to the Governor for
45 use by him in setting up, maintaining and operating an office and



employing a state director of on-the-job training for veterans and the personnel necessary in carrying out Public Law No. 346 of the United States;

(e) Build and equip a hospital and administration building at the Mississippi State Penitentiary;

(f) Build and equip additional buildings and wards at the Boswell Retardation Center;

(g) Construct a sewage disposal and treatment plant at the Mississippi State Hospital, and in so doing acquire additional land as may be necessary, and to exercise the right of eminent domain in the acquisition of this land;

(h) Build and equip the Mississippi central market and purchase or acquire by eminent domain, if necessary, any lands needed for this purpose;

(i) Build and equip suitable facilities for a training and employing center for the blind;

(j) Build and equip a gymnasium at Columbia Training School;

(k) Approve or disapprove the expenditure of any money appropriated by the Legislature when authorized by the bill making the appropriation;

(l) Expend monies appropriated to it in paying the state's part of the cost of any street paving;

(m) Sell and convey state lands when authorized by the Legislature, cause said lands to be properly surveyed and platted,



71 execute all deeds or other legal instruments, and do any and all
72 other things required to effectively carry out the purpose and
73 intent of the Legislature. Any transaction which involves state
74 lands under the provisions of this paragraph shall be done in a
75 manner consistent with the provisions of Section 29-1-1;

76 (n) Collect and receive from educational institutions
77 of the State of Mississippi monies required to be paid by these
78 institutions to the state in carrying out any veterans'
79 educational programs;

80 (o) Purchase lands for building sites, or as additions
81 to building sites, for the erection of buildings and other
82 facilities which the department is authorized to erect, and
83 demolish and dispose of old buildings, when necessary for the
84 proper construction of new buildings. Any transaction which
85 involves state lands under the provisions of this paragraph shall
86 be done in a manner consistent with the provisions of Section
87 29-1-1;

88 (p) Obtain business property insurance with a
89 deductible of not less than One Hundred Thousand Dollars
90 (\$100,000.00) on state-owned buildings under the management and
91 control of the department; and

92 (q) In consultation with and approval by the Chairmen
93 of the Public Property Committees of the Senate and the House of
94 Representatives, enter into contracts for the purpose of providing
95 parking spaces for state employees who work in the Woolfolk



Building, the Carroll Gartin Justice Building or the Walter Sillers Office Building.

(r) The department is hereby authorized to transfer up to One Million dollars (\$1,000,000.00) of available bond funds to each community college requesting to be exempt for department control and supervision relating to the repair, renovation and improvement of existing facilities owned by the community colleges, included utility infrastructure projects; heating and air conditioning systems; and the replacement of furniture and equipment. The community colleges shall abide by all applicable statutes related to the purchase of the repair, renovation and improvement of such existing facilities.

(3) The department shall survey state-owned and state-utilized buildings to establish an estimate of the costs of architectural alterations, pursuant to the Americans With Disabilities Act of 1990, 42 USCS, Section 12111 et seq. The department shall establish priorities for making the identified architectural alterations and shall make known to the Legislative Budget Office and to the Legislature the required cost to effectuate such alterations. To meet the requirements of this section, the department shall use standards of accessibility that are at least as stringent as any applicable federal requirements and may consider:



119 (a) Federal minimum guidelines and requirements issued
120 by the United States Architectural and Transportation Barriers
121 Compliance Board and standards issued by other federal agencies;

122 (b) The criteria contained in the American Standard
123 Specifications for Making Buildings Accessible and Usable by the
124 Physically Handicapped and any amendments thereto as approved by
125 the American Standards Association, Incorporated (ANSI Standards);

126 (c) Design manuals;

127 (d) Applicable federal guidelines;

128 (e) Current literature in the field;

129 (f) Applicable safety standards; and

130 (g) Any applicable environmental impact statements.

131 (4) The department shall observe the provisions of Section
132 31-5-23 in letting contracts and shall use Mississippi products,
133 including paint, varnish and lacquer which contain as vehicles
134 tung oil and either ester gum or modified resin (with rosin as the
135 principal base of constituents), and turpentine shall be used as a
136 solvent or thinner, where these products are available at a cost
137 not to exceed the cost of products grown, produced, prepared, made
138 or manufactured outside of the State of Mississippi.

139 (5) The department shall have authority to accept grants,
140 loans or donations from the United States government or from any
141 other sources for the purpose of matching funds in carrying out
142 the provisions of this chapter.



143 (6) The department shall build a wheelchair ramp at the War
144 Memorial Building which complies with all applicable federal laws,
145 regulations and specifications regarding wheelchair ramps.

146 (7) The department shall review and preapprove all
147 architectural or engineering service contracts entered into by any
148 state agency, institution, commission, board or authority,
149 regardless of the source of funding used to defray the costs of
150 the construction or renovation project, for which services are to
151 be obtained to ensure compliance with purchasing regulations and
152 to confirm that the contracts are procured by a competitive
153 qualification-based selection process except where such
154 appointment is for an emergency project or for a continuation of a
155 previous appointment for a directly related project. The
156 provisions of this subsection (7) shall not apply to:

157 (a) Any architectural or engineering contract fully
158 paid for by self-generated funds of any of the state institutions
159 of higher learning;

160 (b) Any architectural or engineering contract that is
161 self-administered at a state institution of higher learning as
162 provided under Section 27-104-7(2) (b) or 37-101-15(m);

163 (c) Community college projects that are fully funded
164 from local funds or other nonstate sources which are outside the
165 Department of Finance and Administration's appropriations or as
166 directed by the Legislature;



(d) Any construction or design projects of the State Military Department that are fully or partially funded from federal funds or other nonstate sources; and

(e) Any project of the State Department of Transportation.

(8) (a) The department shall have the authority to obtain annually from the state institutions of higher learning, the state community colleges and junior colleges, the Department of Mental Health, the Department of Corrections and the Department of Wildlife, Fisheries and Parks information on all renovation and repair expenditures for buildings under their operation and control, including duties, responsibilities and costs of any architect or engineer hired by any such institutions, and shall annually report the same to the Legislative Budget Office, the Chairman of the House Public Property Committee and the Chairman of the Senate Public Property Committee before September 1.

(b) All state agencies, departments and institutions are required to cooperate with the Department of Finance and Administration in carrying out the provisions of this subsection.

(c) Expenditures shall not include those amounts expended for janitorial, landscaping or administrative support, but shall include expenditures from both state and nonstate sources.

(d) Expenditures shall not include amounts expended by the department on behalf of state agencies, departments and



192 institutions through the Department of Finance and Administration
193 administered contracts, but shall include amounts transferred to
194 the Department of Finance and Administration for support of such
195 contracts.

196 (9) As an alternative to other methods of awarding contracts
197 as prescribed by law, the department may elect to use the method
198 of contracting for construction projects set out in Sections
199 31-7-13.1 and 31-7-13.2; however, the dual-phase design-build
200 method of construction contracting authorized under Section
201 31-7-13.1 may be used only when the Legislature has specifically
202 required or authorized the use of this method in the legislation
203 authorizing a project.

204 (10) The department shall have the authority, for the
205 purposes of carrying out the provisions of this chapter, and in
206 addition to all other rights and powers granted by law, to create
207 and maintain a list of suspended and debarred contractors and
208 subcontractors. Consistent with this authority, the department
209 may adopt regulations governing the suspension or debarment of
210 contractors and subcontractors, which regulations shall be subject
211 to the approval of the Public Procurement Review Board. A
212 suspended or debarred contractor or subcontractor shall be
213 disqualified from consideration for contracts with the department
214 during the suspension or debarment period in accordance with the
215 department's regulations.



216 (11) This section shall not apply to the Mississippi State
217 Port Authority.

218 **SECTION 2.** This act shall take effect and be in force from
219 and after July 1, 2020.

